

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
AT LAW AND IN ADMIRALTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.

APPROXIMATELY \$50,259.00 IN UNITED
STATES CURRENCY,

Defendant.

VERIFIED COMPLAINT FOR CIVIL FORFEITURE IN REM

The United States of America, by its attorneys, Gregory J. Haanstad, United States Attorney for the Eastern District of Wisconsin, and Bridget J. Schoenborn, Assistant United States Attorney for this district, alleges the following in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

Nature of the Action

1. This is a civil action to forfeit property to the United States of America, under 21 U.S.C. § 881(a)(6), for violations of 21 U.S.C. § 841(a)(1).

The Defendant In Rem

2. The defendant property, approximately \$50,259.00 in United States currency, was seized on or about March 27, 2023, from Fernando Bolden and an individual having the initials L.J. at 7XXX North 42nd Street, Milwaukee, Wisconsin.¹

3. The defendant property is presently in the custody of the United States Marshal Service in Milwaukee, Wisconsin.

¹ Throughout this complaint, certain information has been redacted using the letter “X” as a means of avoiding the revelation of any personal information.

Jurisdiction and Venue

4. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

5. This Court has *in rem* jurisdiction over the defendant property under 28 U.S.C. § 1355(b).

6. Venue is proper in this district under 28 U.S.C. § 1355(b)(1), because the acts or omissions giving rise to the forfeiture occurred in this district.

Basis for Forfeiture

7. The defendant property, approximately \$50,259.00 in United States currency, is subject to forfeiture to the United States of America under 21 U.S.C. § 881(a)(6) because it was used or intended to be used in exchange for controlled substances, represents proceeds of trafficking in controlled substances, or was used or intended to be used to facilitate a violation of 21 U.S.C. § 841(a)(1).

Facts

8. MDMA is a Schedule I controlled substance under 21 U.S.C. § 812.

9. Fentanyl is a Schedule II controlled substance under 21 U.S.C. § 812.

10. Cocaine is a Schedule II controlled substance under 21 U.S.C. § 812.

11. Alprazolam is a Schedule IV controlled substance under 21 C.F.R. § 1308.

12. On or about February 25, 2014, Fernando Bolden pleaded guilty to a felony count in Milwaukee County Case No. 13CF5393.

13. Since on or about February 25, 2014, Fernando Bolden has been, and remains, a convicted felon.

14. As a convicted felon, Fernando Bolden is prohibited from possessing a firearm.

March 21, 2023 surveillance at 7XXX North 42nd Street, Milwaukee, Wisconsin

15. On March 21, 2023, an officer conducting surveillance at Fernando Bolden's residence, 7XXX North 42nd Street, Milwaukee, Wisconsin (the "Residence"), saw Fernando Bolden arrive at the Residence in a Nissan Altima and park in the rear parking lot. Bolden was the driver and sole occupant of the Nissan.

16. When Fernando Bolden exited the Nissan, he was carrying a handgun in his right hand. Bolden placed the handgun in Bolden's right pants pocket, walked to the rear door of the Residence, used keys to open the door, and entered the Residence.

March 27, 2023 arrest of Fernando Bolden

17. On March 27, 2023, an officer conducting surveillance at the Residence saw Fernando Bolden—armed with a handgun—exit the Residence, enter the Nissan Altima, and drive away. Bolden was the driver and sole occupant of the Nissan.

18. Surveilling officers followed Fernando Bolden to a Speedway gas station located at 9091 N. 76th Street in Milwaukee.

19. When Fernando Bolden arrived at Speedway, he exited the Nissan and entered the gas station building. Officers then went into the gas station building and arrested Bolden.

20. On Fernando Bolden's person at the time of his arrest was a handgun loaded with 16 rounds of ammunition. The handgun was located inside the front pouch of the hooded sweatshirt that Bolden was wearing.

21. At the time of his arrest, Fernando Bolden dropped from his hand a set of keys, which keys were later used to open the Residence and open a safe located inside the Residence.

March 27, 2023 execution of search warrant at 7XXX North 42nd Street, Milwaukee, Wisconsin

22. On March 27, 2023, officers executed a search warrant at 7XXX North 42nd Street, Milwaukee, Wisconsin.

23. No one was present during execution of the search warrant at the Residence.

24. On March 27, 2023, the following items, among other things, were inside the Residence:

A. In the kitchen were the following:

- i. A semi-automatic handgun with an extended magazine. The handgun was loaded with one round of ammunition in the chamber and 28 rounds of ammunition in the magazine.
- ii. A baggie containing approximately 38.3 grams of crack cocaine.
- iii. A baggie containing approximately three grams of cocaine.
- iv. A baggie containing approximately 55.7 grams of cocaine.
- v. A baggie containing approximately 24.2 grams of cocaine.
- vi. A baggie containing approximately 51.7 grams of fentanyl.
- vii. A baggie containing approximately 176.1 grams of fentanyl.
- viii. A baggie containing 44 Alprazolam pills.
- ix. A baggie containing approximately 3.1 grams of multi-colored pieces of MDMA pills.
- x. Two digital scales with white powdery residue.

B. In the southeast bedroom were the following:

- i. A money counting machine.
- ii. Three firearm magazines, one loaded with 14 rounds of ammunition.
- iii. A safe containing approximately \$50,259.00 in United States currency.
 - a. Officers were able to open the safe using a key that was in Fernando Bolden's possession at the time of his arrest on March 27, 2023.
 - b. Denominations of the approximately \$50,259.00 were 218-\$100 bills, 348-\$50 bills, 551-\$20 bills, 3-\$10 bills, 1-\$5 bill, and 2-\$2 bills.

- C. Identifiers for Fernando Bolden and L.J. were located throughout the Residence, including but not limited to Fernando Bolden's birth certificate, Wisconsin identification card, Wisconsin Quest card, Forward Health card, Firearms Dealer notification receipt from Fleet Farm, Fire Keepers Club Ruby cards, and ATM/debit cards.

Fernando Bolden's State Drug Charges

25. On April 1, 2023, Fernando Bolden was charged in Milwaukee County Circuit Court, Case No. 23CF1394, with one count of possession of fentanyl with intent to deliver, one count of possession of cocaine with intent to deliver, and three counts of felon in possession of a firearm.

Administrative Forfeiture Proceedings

26. The Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") began administrative forfeiture proceedings against the approximately \$50,259.00 in United States currency on the ground that the seized currency was used or intended to be used in exchange for controlled substances or was proceeds of trafficking in controlled substances.

27. On or about September 12, 2023, Fernando Bolden filed a claim with ATF in the administrative forfeiture proceedings to the defendant approximately \$50,259.00 in United States currency.

Warrant for Arrest In Rem

28. Upon the filing of this complaint, the plaintiff requests that the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which the plaintiff will execute upon the defendant property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

Claims for Relief

29. The plaintiff alleges and incorporates by reference the paragraphs above.

30. By the foregoing and other acts, the defendant property, approximately \$50,259.00 in United States currency, was used or intended to be used in exchange for controlled substances, represents proceeds of trafficking in controlled substances, or was used or intended to be used to facilitate a violation of 21 U.S.C. § 841(a)(1).

31. The defendant approximately \$50,259.00 in United States currency is therefore subject to forfeiture to the United States of America under 21 U.S.C. § 881(a)(6).

WHEREFORE, the United States of America prays that a warrant of arrest for the defendant property be issued; that due notice be given to all interested parties to appear and show cause why the forfeiture should not be decreed; that judgment declare the defendant property to be condemned and forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other and further relief as this Court may deem just and equitable, together with the costs and disbursements of this action.

Dated at Milwaukee, Wisconsin, this 5th day of December, 2023.

Respectfully submitted,

GREGORY J. HAANSTAD
United States Attorney

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Verification

I, Rodolfo Ayala, hereby verify and declare under penalty of perjury that I am a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) in Milwaukee, Wisconsin, that I have read the foregoing Verified Complaint for Civil Forfeiture *in rem* and know the contents thereof, and that the factual matters contained in paragraphs 8 through 24 of the Verified Complaint are true to my own knowledge.

The sources of my knowledge and information are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Task Force Officer with ATF.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Date: 12/05/2023

s/Rodolfo Ayala
Rodolfo Ayala
Task Force Officer
Bureau of Alcohol, Tobacco, Firearms and
Explosives